

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

DEC 20 2018

David J. Bradley, Clerk of Court

IN RE:

**GIANT GRAY, INC.,
DEBTOR**

CASE NO. 18-31910-H2-7

LOWELL T. CAGE, TRUSTEE

PLAINTIFF

v.

DEBRA DAVIS,

DEFENDANT

ADVERSARY NO. 18-3347

ANSWER OF DEFENDANT DEBRA S. DAVIS

Defendant Debra S. Davis files this Answer to the Complaint of the Plaintiff,
Lowell T. Cage, Trustee, as follows:

The numbered paragraphs below correspond to the numbered paragraphs in
the Complaint.

PARTIES AND JURISDICTION

1. Ms. Davis acknowledges the statement in paragraph 1 of the
Complaint is true.

2. Ms. Davis acknowledges the statement in paragraph 2 of the
Complaint is true.

3. Ms. Davis acknowledges the statement in paragraph 3 of the Complaint is true.

4. Ms. Davis acknowledges the statement in paragraph 4 of the Complaint is true in that Plaintiff seeks relief pursuant to the listed statutes, but Ms. Davis denies that Plaintiff is entitled to such relief.

5. Ms. Davis acknowledges the statement in paragraph 5 of the Complaint is true and this Court has authority to enter a final judgment.

SUMMARY OF THIS ADVERSARY PROCEEDING

6. Ms. Davis acknowledges that Plaintiff is seeking to recover from her as stated in Paragraph 6, but denies that such relief is appropriate.

STATEMENT OF FACTS

7. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 7, and therefore denies the allegations.

8. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 8, and therefore denies the allegations.

9. Ms. Davis admits the allegation in Paragraph 9.

10. Ms. Davis denies the allegations in Paragraph 10.

11. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 11, and therefore denies the allegations.

12. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 12, and therefore denies the allegations.

13. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 13, and therefore denies the allegations.

14. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 14, and therefore denies the allegations.

15. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 15, and therefore denies the allegations.

16. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 16, and therefore denies the allegations.

17. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 17, and therefore denies the allegations.

18. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 18, and therefore denies the allegations.

19. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 19, and therefore denies the allegations.

20. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 20, and therefore denies the allegations.

21. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 21, and therefore denies the allegations.

22. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 22, and therefore denies the allegations.

23. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 23, and therefore denies the allegations.

24. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 24, and therefore denies the allegations.

25. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 25, and therefore denies the allegations.

26. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 26, and therefore denies the allegations.

27. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 27, and therefore denies the allegations.

28. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 28, and therefore denies the allegations.

29. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 29, and therefore denies the allegations.

30. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 30, and therefore denies the allegations.

31. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 31, and therefore denies the allegations.

32. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 32, and therefore denies the allegations.

33. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 33, and therefore denies the allegations.

34. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 34, and therefore denies the allegations.

35. Ms. Davis admits the allegations stated in the first two sentences of Paragraph 35. She is without sufficient information to form a belief as to the truth of the allegations in the second two sentences of Paragraph 35.

36. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 36, and therefore denies the allegations.

37. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 37, and therefore denies the allegations.

38. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 38, and therefore denies the allegations.

39. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 39, and therefore denies the allegations.

40. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 40, and therefore denies the allegations.

41. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 41, and therefore denies the allegations.

42. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 42, and therefore denies the allegations.

43. Ms. Davis denies the allegations in Paragraph 43.

44. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 44, and therefore denies the allegations.

45. Ms. Davis is without sufficient information to form a belief as to the truth of the allegations in Paragraph 45, and therefore denies the allegations.

CAUSES OF ACTION

FRAUDULENT TRANSFERS UNDER 11 U.S.C. § 548(a)(1) and (a)(2)

46. Paragraph 46 is a conclusion to which no response is required.

47. Ms. Davis denies the allegations in Paragraph 47.

48. Paragraph 47 is a legal conclusion to which no response is required.

49. Ms. Davis denies the allegations in Paragraph 49.

50. Ms. Davis denies the allegations in Paragraph 50.

51. Ms. Davis denies the allegations in Paragraph 51.

52. Ms. Davis denies the allegations in Paragraph 52.

FRAUDULENT TRANSFER UNDER 11 U.S.C. 544 AND TEX. BUS. & COM. CODE 24.001 ET SEQ.

53. Paragraph 53 is a conclusion to which no response is required.

54. Paragraph 54 is a legal conclusion to which no response is required.

55. Ms. Davis denies the allegations in Paragraph 55.

56. Ms. Davis denies the allegations in Paragraph 56.

57. Ms. Davis denies the allegations in Paragraph 57.

58. Ms. Davis denies the allegations in Paragraph 58.

59. Ms. Davis denies the allegations in Paragraph 59.

60. Ms. Davis denies the allegations in Paragraph 60.

ATTORNEY'S FEES

61. Paragraph 61 contains a legal conclusion to which no response is required. To the extent that any response is required, Ms. Davis denies that Plaintiff is entitled to any fees or costs.

**APPLICATION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY AND PERMANENT INJUNCTION**

62. Paragraph 62 is a legal conclusion to which no response is required. However, Ms. Davis previously agreed to the temporary restraining order and injunction and, therefore, believes this issue is moot.

63. Paragraph 63 is a legal conclusion to which no response is required.

64. Ms. Davis denies the allegations in Paragraph 64.

65. Ms. Davis denies the allegations in Paragraph 65.

66. Ms. Davis denies the allegations in Paragraph 66.

67. Ms. Davis denies the allegations in Paragraph 67.

68. Ms. Davis denies the allegations in Paragraph 68.

69. Ms. Davis denies the allegations in Paragraph 69.

70. Ms. Davis denies the allegations in Paragraph 70.

AFFIRMATIVE DEFENSES

71. Plaintiff has failed to state a claim upon which relief can be granted and failed to state sufficient facts to constitute a cause of action against Ms. Davis and the claims should be dismissed.

72. Ms. Davis at all times acted in good faith in receiving and possessing the property at issue. Ms. Davis has a valid ownership interest in, and, a legitimate claim to, the property subject to this litigation.

73. The funds and property at issue were not ill-gotten.

74. Ms. Davis invokes the homestead exemption under the Texas Constitution and the Texas Property Code with respect to the property at 79 Windcrest Falls Dr., Cypress, Texas 77429.

PRAYER FOR RELIEF

Ms. Davis requests that the Court order that Plaintiff take nothing by its claims, award her costs incurred, and grant such other relief to which she may be justly entitled.

Respectfully submitted,

THE COGDELL LAW FIRM, PLLC

/s/ Dan Cogdell

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed via the electronic case filing system of the Southern District of Texas, which served a copy on all interested parties.

/s/ Dan Cogdell